IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 5TH JANUARY 2007 / 15TH POUSHA, 1928

Bail Appl..No. 7486 of 2006()

AGAINST THE ORDER DATED 14/11/2006 IN
CMP.7117/2006 of J.M.F.C.,TIRUR
CRIME NO.375/06 OF VALANCHERRY POLICE STATION.

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PETITIONER/ACCUSED

MUSTAFA, S/O.MAMMU @ CHERIYAPPU,
KOLAMBAN HOUSE, ATHAVANAD,
VALANCHERY, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENT: STATE

THE STATE OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
VALANCHERY POLICE STATION, THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7486 OF 2006

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DATED THIS THE 5th DAY OF JANUARY, 2007

O R D E R

Petitioner who is the accused in Crime No.375/06 of Valancherry Police Station for offences punishable under sections 376, 324 and 506(i) IPC for allegedly ravishing his own daughter, seeks his enlargement on bail. The occurrence took place on 9.7.2006. The petitioner was arrested on 10.11.2006 and ever since he is in judicial custody.

2. On the submission made by the counsel for the petitioner, the Superintendent, Sub Jail, Tirur was addressed by the Registry of this court to get the petitioner examined by a Psychiatrist to ascertain his mental condition. In the letter dated 2.1.2007 from the Superintendent, it is stated that in obedience to the directions of this court, the petitioner has been taken to the Mental Health Centre, Kozhikode where he has been admitted and is undergoing treatment. No certificate regarding his mental condition or as to whether he is able to stand trial has been forwarded to this court. Under these circumstances, the only alternative open to this court is to direct the J.F.C.M., Tirur to

conduct an enquiry under section 328 Cr.P.C. expeditiously and if the Magistrate is of the view that the petitioner appears to be of a person of unsound mind, he shall release the petitioner in exercise of his power under section 330 Cr.P.C., provided there is an appropriate person prepared to take care of the petitioner. The Magistrate shall complete the enquiry within two weeks of receipt of a copy of this order. If the Magistrate is not able to complete the enquiry within the above time limit, he shall send a report to the Registry of this court through proper channel explaining the reasons as to why the enquiry could not be conducted within two weeks.

With the above direction, this petition is disposed of.

Send a copy of this order to the J.F.C.M., Tirur.

V.RAMKUMAR, JUDGE

dsn